FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR.
Second Appeal No. 362/2007

(Bandu Dharmaraj Chitari & 4 others **VERSUS** Smt.Asha wd/o Shankar Chitari & another **)**

Appeal — District :
Application No. — of 200
Writ petition

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's Orders

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Shri Khandalkar, Advocate for the appellant.
Shri Anthony, Advocate for the respondents.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 20th July, 2007.

Heard Shri Khandalkar, the learned counsel for the appellant and Shri Anthony, the learned counsel for the respondents.

Both the Courts have issued the succession certificate jointly in the name of the appellants and the respondents herein. The appellants are the legal heirs of one Sarojini Dharmaraj Chitari who was the mother of deceased Shankar Chitari and the objectors/ respondents nos.1 and 2 claimed to be the widow and the daughter of deceased Shankar Chitari. The claim of the objectors was denied by Sarojini Chitari. It was her case that Shankar was a bachelor at the time of his death and had not married the objector no.1 at any point of time.

Both the Courts, however, on an appreciation of the evidence tendered by the parties on record, held that the objectors nos.1 and 2 have proved that the objector no.1 was the wife of Shankar Chitari and the objector no.2 was the daughter of Shankar Chitari. The findings recorded by both the Courts are based on the proper appreciation of the material evidence on record. The findings do not give rise to any substantial question of law.

The second appeal is, therefore, dismissed with no order as to costs.

JUDGE

APTE